

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

# IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

Civil Action No. 01-12257-PBS

COUNTY OF NASSAU v. ABBOTT LABORATORIES, INC.,  
et al.

Judge Patti D. Saris

D. Mass. Case No. 05-10179-PBS  
E.D.N.Y. Case No. 04-CV-5126

**ASSENTED TO MOTION OF PLAINTIFF COUNTY OF NASSAU TO CORRECT AND  
AMEND ITS MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR LEAVE  
TO FILE A SECOND AMENDED COMPLAINT AND TO FILE UNDER SEAL**

Plaintiff County of Nassau (“Plaintiff”), by and through its counsel, hereby respectfully moves this Court for leave to file an Amended Memorandum Of Law In Support Of Its Motion For Leave To File A Second Amended Complaint And To File Under Seal (“Amended Memorandum”), attached hereto as Exhibit A.

Plaintiff filed its initial Memorandum Of Law In Support Of Its Motion For Leave To File A Second Amended Complaint And To File Under Seal (the “Memorandum”) on Friday, January 6, 2005. In this Memorandum, Plaintiff inadvertently represented to this Court that its Second Amended Complaint did not add any new parties to the litigation. In fact, although the Second Amended Complaint reflected our strategic decision to add new parties to this litigation, the Memorandum was not updated to reflect this change. The Amended Memorandum reflects this change.<sup>1</sup>

<sup>1</sup> The specific changes can be found in the second paragraph of page 3 and the second paragraph of page 5.

Defendants have been in possession of a draft of Nassau County's Second Amended Complaint, which included the additional defendants, for months. Therefore, Defendants will not be prejudiced if the Court grants this motion. Further, the Second Amended Complaint, filed just two business days ago, confirmed the addition of other defendants. Defendants assent to this motion.

Plaintiff respectfully requests that this motion be granted in its entirety for the reasons set forth above.

Dated: January 11, 2006  
New York, New York

LORNA B. GOODMAN,  
Nassau County Attorney, by

**MOULTON & GANS, P.C.**

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*Special Counsel for the  
County of Nassau*

**LOCAL RULE 7.1 CERTIFICATE**

I, Ryan G. Kriger, hereby certify that I have consulted with Lyndon Tretter, Esq., of Hogan and Hartson, counsel for all Defendants, concerning the above motion. I further certify that Mr. Tretter has assented to the above motion.

/s/ Ryan G. Kriger  
Ryan G. Kriger

**CERTIFICATE OF SERVICE**

I, Ryan G. Kriger, hereby certify that I served a copy of the foregoing document upon counsel for all parties this 11<sup>th</sup> day of January, 2006.

/s/ Ryan G. Kriger  
Ryan G. Kriger